SPEECH

OF

WILLIAM H. SEWARD,

IN THE

SENATE OF THE UNITED STATES,

ON THE

BILL TO PROTECT OFFICERS OF THE UNITED STATES.

FEBRUARY 23, 1855.

MR. PRESIDENT:

The scene before me, and all its circumstances and incidents, admonish me that the time has come when the Senate of the United States is about to grant another of those concessions, which have become habitual here, to the power of Slavery in this Republic. For the second time, in a period of nearly three months, the brilliant chandelier above our heads is lighted up; the passages and galleries are densely crowded; all the customary forms of legislation are laid aside. The multifarious subjects, which have their rise in all parts of this extended country, are suddenly forgotten, in a concentration of feeling upon a single question of intense interest. The day is spent without adjournment. Senators, foregoing their natural relaxation and refreshment, remain in their seats until midnight approaches. Excitement breaks out in every part of the Chamber. Criminations and recriminations, and denunciations of Senators individually, and of Senators by classes, equally of those who have participated in the debate, and of those who have remained silent, grate harshly upon the ear. Such as these were the incidents that heralded the passage of the Fugitive Slave Act of 1850. Such as these attended the abrogation of the Missiouri Compromise in 1854. I know full well that the fall of Constitutional Liberty is as certain to follow these incidents occurring now, as it followed the like incidents on the sad occasions to which I have referred. And, for aught I know, the teeming gun, which proclaimed those former triumphs of Slavery, is already planted again under the eaves of the Capitol, to celebrate another victory. My course, on this occasion, has been the same as on all former occasions of a like character. I have forborne from engaging in the debate, until near the end of the controversy, that the country may know who it is, and who it is not, that disturbs the public harmony, and breaks the public peace, by the agitation of Slavery in these Halls; and I shall speak now, less in the form of an argument against the bill before us, than of a protest, upon which I shall take my stand, to abide the ultimate judgment which shall be rendered by the American People.

For myself, there is a painful association connected with the rise of this debate. I arose in my place at eleven o'clock this morning, simultaneously with the honorable Senator from Connecticut, [Mr. TOUCEY,] and each of us demanded an audience, which was assigned by the Chair to him. He announced this bill, which, however obscure in its language, was, as we all instantly knew, designed for the protection of officers of the United States, who are engaged in executing the Fugitive Slave Law. On the other side, I held in my hand a proposition, to be submitted to the Senate, for the erection of a bronze monument, fifty feet high, in the city of Washington, which should illustrate the life and the death of THOMAS JEFFERSON, and commemorate the immortal names of the Signers of the Declaration of American Independence. It was a new acknowledgment which I was about to ask from the Senate of the United States to the great fact on which the liberties of this country and all its Constitutions rest—that all men are created equal. Sir, the success which the honorable Senator from Connecticut [Mr. TOUCEY] obtained over me, when the floor was assigned to him, was ominous. The Senate of the United States will erect no monument to the memory of JEFFERSON, who declared, that, in the unequal contest between Slavery and Freedom, the Almighty had no attribute which could take part with the oppressor. But the Senate will, on the other hand, promptly comply with the demand to raise another bulwark around the institution of Slavery.

Mr. President, as there is nothing new in the circumstances of this transaction, so it has happened now, as on all similar occasions heretofore, that everything foreign from the question at issue has been brought into the debate. The introduction of these foreign matters has, as here-

tofore, been attended with a profusion of reproaches and calumnies and epithets, as inapposite to the occasion as they are inconsistent with the decorum and dignity of an august Legislature. Those of us upon whom such denunciations, calumnies, and epithets, have been showered, have endured them long, and I think no one will deny that we have endured them patiently. To such Senators as have given utterance to their opinions in that form of argument, I make, for myself, only this reply—that that field of debate is relinquished exclusively to themselves. Now, as on similar occasions heretofore, the relations of political parties, and their respective merits and demerits, have entered largely into the discussion. Sir, I shall forbear from entering into that part of the debate, for the reason that I am addressing, not politicians, but statesmen. So far as the justice or expediency of the measure under consideration is concerned, it can make no difference whether those who advocate it or those who oppose it are Whigs or are Democrats, or belong to that new class of men who are popularly called Know Nothings. Arguments based on such grounds may have their weight somewhere else—outside of this Chamber—or possibly up there—[pointing to the galleries]—but certainly not down here. Inquisition has been made concerning the circumstances and influences which attended the recent elections of members not only of this House, but of the House of Representatives, for the purpose, as it seems, of awakening prejudices against those who oppose the passage of this bill. I give notice to honorable Senators who have adopted this line of argument, that it is neither required by the people whom I represent here, nor is it consistent with their dignity and honor, that I should assume to interpret the motives which determined their choice of legislators. The results are before the world. They explain themselves. Equally derogatory from my duty, and disrespectful to the statesmen around me, and to the States which they represent, would it be, were I to inquire into the manner or circumstances of the elections made by those States. I recognise every Senator here as the exponent of the opinions and principles of the State from which he comes. And I hear no voice from any State but that to which its representatives give utterance. Nevertheless, Mr. President, I shall not shrink from such an exposition of my own opinions and sentiments on collateral issues, as shall tend to disembarrass a good cause, by relieving it from unjust prejudices, directed against myself as its advocate.

First, in regard to what is called the Nebraska Question. I freely confess, that I regard the abrogation of the Missouri Compromise by the Nebraska bill of the last session as an unjust, unnecessary, dangerous, and revolutionary act. I voted against it as such. Let that vote stand against me, in the minds and in the hearts, if it must be so, of those Senators who regard it as a cause for reproach. Certainly, this is not the time to justify that vote. A time to do so was, when the vote was given, and its vindication was then duly made. There is probably another time coming for the renewal of that vindication—a time in the near future, when the question of a restoration of Freedom throughout the Territories of the United States will arise in the Senate. Then, if God shall bless me with continued life and health and strength, I hope again to do my duty. To that future time I adjourn the argument on the bill for the abrogation of the Missouri Compromise.

There is more of propriety in the discussions of the Fugitive Slave Law, which have been reopened during this debate. I have no need, however, to speak on that subject. I have fully debated it heretofore, on more occasions than one, in this place. Every word of what I then said, is recorded in the legislative history of the United States. There is not a thought that I would wish to add; there is not a word that I am willing to take away. Time is full surely and quite rapidly enough resolving the question whether those were right who pronounced the Fugitive Slave Law a just, and necessary, and constitutional act, full of healing to a wounded country, or whether the humble individual who now stands before you was right when he admonished you that that law was unnecessary, unwise, inhuman, and derogatory from the Constitution, and that it would never be executed without new and continued usurpations. The transaction of this night takes place, in order that the words of that prophecy may be fulfilled.

I am not allowed, sir, to reach the merits of this question, without alluding to a body of men who sport in the public gaze under a name which I hardly know how to repeat in the presence of so grave and reverend an assemblage as this—the Know Nothings. They are said to have contrived their disguise with so much ingenuity, that one who is not a novitiate cannot deny a knowledge of their ceremonies and principles, without implying his communion and membership with them. Nevertheless, I must reply to the Senator from Illinois, [Mr. DOUGLAS,] who charges me, among others, with such an affiliation, that I have no knowledge of that body of men, other than what is afforded me by the publications of the day. Thus informed, I understand the Know Nothings to be a secret society or order, consisting of two or three grades, colleagued and mutually sworn to elect individuals of their own Order, or at least persons maintaining the principles which that Order entertains, to all offices of trust and profit in the United States. Those principles I understand to be, in general, the same which, before the organization of the Know Nothings, passed under the name of Native Americanism. I, sir, have no connection with that Order. I am under no responsibility for its doings, and I have not the least sympathy with its principles or sentiments. I belong to one voluntary Association of men, which has to do with spiritual affairs. It is the Christian Church—that branch of it, all imperfect though I think it is, which, according to my notions, most nearly retains, in their purity, the instructions of the Gospel. That Association is an open one, which performs all its rites and gives all its instructions with publicity, and invites every man, in the language of its Divine Founder, to come in and partake of the privileges

with which He invested it, and of the blessings which He promises. I belong to one temporal society of men, and that is the political party which, according to my notions, embodies most fully and most truly, although, I confess, as in the other case, very inadequately, the principles of the Declaration of Independence and of the Constitution of the United States. This Association also, of which I have last spoken, is an open one. All its transactions are conducted in the broad daylight, and it invites all citizens, and all men who become subjects of the power of this Government, of whatever clime or race or color they may be, to enter into its ranks, to participate in its labors, and to co-operate in maintaining good Government and in advancing the cause of Human Nature. These two Associations, the one spiritual and the other temporal, are the only voluntary Associations to which I now belong, or ever have belonged since I became a man; and, unless I am bereft of reason, they are the only Associations of men to which I shall ever suffer myself to belong. Secret societies, sir! Before I would place my right hand between the hands of other men, in a secret Lodge, Order, Class, or Council, and, bending my knee before them, enter into combination with them for any object, personal or political, good or bad, I would pray to God, that that hand and that knee might be paralyzed, and that I might become an object of the pity and even of the mockery of my fellow men. Swear, sir! I, a man, an American citizen, a Christian, swear to submit myself to the guidance and direction of other men, surrendering my own judgment to their judgments, and my own conscience to their keeping! No, no, sir. I know quite well the fallibility of my own judgment, and my liability to fall into error and temptation. But my life has been spent in breaking the bonds of the slavery of other men. I therefore know too well the danger of confiding power to irresponsible hands, to make myself a willing slave. Proscribe a man, sir, because he was not born in the same town, or county, or State, or country, in which I was born! Why, sir, I do most earnestly and most affectionately advise all persons hereafter to be born, that they be born in the United States, and, if they can without inconvenience, to be born in the State of New York, and thus avoid a great deal of trouble for themselves and for others. [Laughter.] Moreover, I do most affectionately enjoin upon all such persons as are hereafter to be born, that they be born of fathers and of mothers, of grandfathers and of grandmothers, of pure American blood. Still more, sir, I do affectionately enjoin upon all who shall thus have the wisdom to come into existence on this side of the Atlantic, and of such pure and untainted ancestry, to be either born in the Protestant faith, or to be converted as speedily as possible to that good and true Protestant Church, within whose pale I myself am accustomed to worship.

More than that, sir. Speaking from a full knowledge and conviction of the serious inconveniences which absolute and eternal Slavery entails upon Man and upon races of men, I do earnestly, strenuously, and affectionately conjure all people everywhere, who are hereafter to be born, to be born white. [Laughter.] Thus, being born in this free and happy country, and being born white, they will be born free. But, Mr. President, this is the length, and this is the breadth of my connection with the new and mysterious Order of Patriots. And, if there shall hereafter come among us persons who, because from ignorance they may not be able to profit by my advice and counsel, shall be born in foreign lands; or, even if there shall be any who, in despite of my counsel, shall persist in being Roman Catholics, or Jews, or Turks, or Chinese; or if there shall be others, who, disregarding my persuasion, shall insist upon coming into the world with blackened faces and twisted hair, all I can say, in regard to them, is, that I have done my duty, and I shall not add a feather's weight to the disabilities which they will incur by their presumption and perverseness. [Laughter.]

Sir, my honorable friend from Connecticut [Mr. GILLETTE] has thought this was a good occasion to invite us to consider the question of abolishing Slavery in the District of Columbia, and has thereby incurred some censure. He certainly had a warrant in the latitude which the debate had already assumed, although the subject was not very germane to the question before us. I have no hesitation to disclose my fanaticism in that direction. Five years ago, I proposed, in the Congress of the United States, the emancipation of all the slaves in the District of Columbia, with the consent of its citizens, to be expressed through the customary forms of a popular election, and with full compensation, to be paid out of the public Treasury, to the individuals who should suffer damage in their fortunes by so great an act of National humanity and justice. I am ready to go with my honorable friend that length now. I shall be ready to go the same length to-morrow—next year—always. This is enough, I trust, on that subject.

I and others here, sir, are denounced as Abolitionists, in a broader sense, and therefore as traitors. I have no hesitation in confessing the whole truth on that point. I believe that I do not know a human being who maintains or supposes that the Government of the United States has lawful authority or right to abolish Slavery in the States of this Union. Certainly, in my own opinion, that Government has no such power or right. But, sir, I am a man, none the less because I am a citizen and a Senator of the United States. And, although I have no power to exercise in a slaveholding State, I very freely say, that if I were a member of such a community, I should recommend to and urge upon my fellow-citizens there, with patience which could endure until the necessary reform could safely be obtained, some measure of Emancipation, immediate or prospective, with compensation for damages, through the action of the State Legislature, upon the ascertained consent of the People. I add, further, to meet the requirements of those who suppose that a proposition of gradual Emancipation to the slaveholding States is either timely now, or soon will be so, that while I retain a place in the National Councils, any slaveholding State willing to adopt the humane policy

which has been already adopted by my own State and by other States, shall have my vote for any aid, either in lands or money, from the Federal Government, which the condition of the public Treasury and of the National domain will allow, in furtherance of an object in which not only the slaveholding States are interested, but which concerns the whole Union, and even Human Nature itself.

Mr. President, I have made my way at last, through the intricate mazes of this discussion, to the actual question before the Senate. The bill before us is in these words:

"If a suit be commenced or pending in any 'State court, against any officer of the United 'States or other person, for or on account of any 'act done under any law of the United States, or 'under color thereof, or for or on account of any 'right, authority, claim, or title, set up by such 'officer or other person, under any law of the 'United States, and the defendant shall, at the 'first term of such State court after the passage 'of this act, or at the first term of such State 'court after such suit shall be commenced, file a 'petition for the removal of the cause for trial 'into the next circuit court to be held in the dis-'trict where the suit is pending, or, if there be no 'circuit court in such district, then to the district 'court invested with the powers of a circuit court 'next to be held in said district, and offer good 'and sufficient surety for his entering in such 'court, on the first day of its session, copies of 'said process against him, and also for his there 'appearing and entering special bail in the cause, 'if special bail was originally requisite therein, it 'shall then be the duty of the State court to 'accept the surety, and proceed no further in the 'cause; and any bail that may have been taken 'shall be discharged, and the said copies being 'entered as aforesaid in such court of the United 'States, the cause shall there proceed in the same 'manner as if it had been brought there by orig-'inal process; and any attachment of the goods 'or estate of the defendant by the original pro-'cess shall hold the goods or estate so attached 'to answer the final judgment, in the same man-'ner as by the laws of such State they would 'have been holden to answer such final judgment, 'had it been rendered by the court in which the 'suit commenced; and the party removing the 'cause shall not be allowed to plead or give evi-'dence of any other defence than that arising 'under a law of the United States, as aforesaid."

What is proposed here is an innovation—a new thing—a thing unknown in the laws of the country, since the States came into a Federal Union. That new thing is, that a person, civilly prosecuted in a State Court, and justifying under authority or color of a law of the United States, may oust the State of its jurisdiction, and remove the cause into a Court of the United States. The first question which arises is, How does the thing stand now? How has it hitherto stood? What are the powers of the State Courts, and what are their duties? What are the rights of parties in the State Courts? The Constitution of the United States binds together in Federal Union thirty-one States, which, while they remain equal and qualified sovereignties, at the same time constitute, in the aggregate, another qualified sovereignty. In so much as the chief business of government is to protect the rights of its citizens or subjects, and as the performance of that duty is, under free Governments, assigned to Courts of Justice, and in so much as the citizen is simultaneously the subject of a State Government and of the Federal Government, the State Courts and the United States Courts exercise concurrently or co-ordinately the power of trying civil actions which are brought against persons acting as officers of the Federal Government. The public officers of the United States are, as we all know, numerous, and of many classes—civil, military, and naval. They are engaged in executing laws relating to the army, the navy, the customs, the public lands, the post office, the judiciary, and foreign relations. These agents may be called upon to answer by any person who is aggrieved, either in the proper Federal Court or in a Court of the State where the grievance happened. A case which will illustrate the subject now occurs to me. Two or three years ago, I successfully maintained in the Supreme Court of the United States an action on the case, which had been brought in a Justice's Court of the State of New York, by a woman, against a postmaster, who had refused to deliver to her a newspaper, on which the postage which could be rightfully demanded was one cent. The Postmaster pleaded before the Justice, and before the Supreme Court of the State, and before the Court of Appeals of the State, that none but a Federal Court could assume jurisdiction in the case. When his plea was finally overruled in the Court of last resort in the State, he appealed from that decision to the Supreme Court of the United States. That Court affirmed the decision of the State Court, and thus defined the law to be, that United States officers are amenable to civil actions in the State tribunals. The law now remains as it was then expounded, and so it has always stood since the establishment of the Constitution itself. It is wise and beneficent, because it surrounds the citizen with a double safeguard against extortion, oppression, and every form of injustice committed by the authority or in the name of the great central Executive Power.

The second question is, What is the nature and extent of the change which you propose to make by the bill which is under consideration? That question is answered in a word. Whenever the rights of a citizen are invaded in any State within the Union, by a person holding a commission, whether civil or military, from the President of the United States, he shall henceforth have only a single safeguard, instead of that double panoply which has hitherto shielded him, and he must either forego redress, or seek it in a tribunal of the United States, in which justice is administered by Judges appointed by the President and the Senate, and irremovable, except on impeachment by the House of Representatives, and, therefore, responsible in the least possible degree to that wholesome Public Opinion which is the guardian of public liberty. Every postmaster and his deputy, every marshal and his

deputy, every mail-contractor, every stage-driver, every tide-waiter, every lieutenant, every ensign, and even every midshipman, will be independent of State authority, and, when prosecuted before a Magistrate or Court, in the immediate vicinage where his offence is committed, will defy the party aggrieved, and remove the action commenced against him into a Federal tribunal, whose terms are rarely held, and then in remote and practically inaccessible places. One-half of the power residing in the States is thus to be wrested from them at a single blow, and they will henceforth stand shattered monuments of earlier greatness.

No such change as this was anticipated by the framers of our Federal and State Constitutions. They established the Federal Constitution chiefly for the protection of the whole country against foreign dangers. They gave to it a stronger Executive than they gave to the States, respectively. They established the State Constitutions chiefly for the protection and defence of personal rights. They knew that this Central Government would grow stronger and stronger, and would ultimately become an imperial power. It has realized that expectation, and has become even a Continental Power. Hitherto, the citizen has enjoyed his double safeguard. Why shall one-half of his panoply be now torn away from him? What lawful and proper object of the Federal Government has failed to be obtained by reason of the exercise of jurisdiction by State authorities over officers of the United States? None. Why, then, shall the ancient law and custom be changed? Is there danger that the citizen will be too secure under the double protection of the State Courts and of the Federal Courts? That was not the doctrine of the earlier days, and that is not sound doctrine now.

I demand, in the third place, a reason for this innovation. In reply, you urge, first, a precedent. Precedents, in every country, are the stairway of tyrants. What is this precedent? It is a law which protects the public Treasury, by withdrawing from the State Courts certain actions against collectors of the revenue. Who knows now, without more examination than you allow time for us to make, on what ground, or under what circumstances, or upon what exigency, that single departure from the ancient system was made? I do not know that I should have been in favor of that departure. Nor can you show that the innovation thus made, and which you now plead as a precedent, was necessary. We are always wiser in our judgments in retrospect than in anticipation. I can now see, when the precedent is pleaded to justify a further departure from the ancient system, abundant reasons to regret that the precedent was ever established.

You tell me, in the next place, that there is danger of insubordination—danger that the State Governments will nullify the laws of the Federal Government. This is always the ready plea for Federal usurpations. It is the same ground which the British Government assumed towards British subjects in the American Colonies, when it transported them beyond seas, to be tried for pretended offences. I proclaim in your ears here, and I proclaim before my countrymen, that there is no necessity and no shadow of necessity for this great and fearful change. From every tribunal in any State of this Union which renders a final judgment that can affect the rights of any public officer of the United States, there is an appeal to the Supreme Court of the United States, reserved to him by the Constitution and laws of the United States; and that high tribunal can, merely by its mandate, annul that judgment, and discharge the party from all its consequences. This, and this alone, was the security which your forefathers established to prevent the evils and dangers of insubordination by the State authorities. I proclaim, further, that when the Constitution of the United States was submitted to the People in the several States, to be adopted by them, the chief objection which was urged against it, the objection which was urged with the most zeal, the most energy, and the most effect, was, that the liberties of the citizen would be brought into jeopardy by the extended power of the Federal Judiciary. So strenuously was this objection urged, that the Constitution was not adopted until it was demonstrated, by Hamilton, Jay, and Madison, in the Federalist, that the State jurisdiction, which you are now about to strike down, was left to the States, and could never be wrested from them without an act of Congress, which there was no reason to presume would ever be passed.

Sir, this is an important transaction. I warn you that it is a transaction too important to be suddenly projected, and carried out with unusual and unseemly rapidity. It is a transaction that will be reviewed freely, boldly, and through long years to come. You would have done well to have given us a week, or a day, or at least one hour, to prepare ourselves with arguments to dissuade you from your purpose and to stay your hands. Suffer me to say, with all deference, that you would have done well if you had allowed yourselves time to consider more deliberately the necessity for a measure so bold, and the consequences which must follow it.

I repeat, sir, that there is no necessity for this act. In every case which is intended to be reached by it, the mandate of the Supreme Court of the United States annuls the judgment of the State Court which has mistaken its own powers, or encroached upon the Federal authority; and the State itself, with all its dignity and pride, falls humbled and abased at the foot of central and imperial power. I habitually contemplate everything connected with the development of the resources and with the extension and aggrandizement and glory of this my country, with an euthusiasm which I am sure I do not always find burning in the hearts of all with whom it is my duty to act in her Councils. But, sir, I shudder when I think that this development, this extension, this aggrandizement, and this accumulation of glory, are going on firmly, steadily, and crushingly, at the expense of these noble, independent States; that the majestic dome, while it spreads itself more widely and erects itself higher and higher, is pressing into crumbling frag-

ments the pillars which constitute its true and just support.

Sir, we have had, on this occasion, as we always have on painful occasions of this kind, pathetic allusions to the safety of this Federal Union. And these allusions have been addressed to me, although I have hitherto been content to be a silent listener to this debate. What do you think must be the feelings of a man, himself a Representative of three millions, one-eighth of your whole people—a Representative of one-sixth of all the freemen in the Republic—a Representative of even a larger proportion of the whole wealth of the country—a Representative of your whole Concentrated Commerce—when he finds himself surrounded by men who think that a community so numerous and so intelligent, and enjoying such wealth and cherishing such interests, are so far habitually blinded by passion as to be disloyal to the Union on which all their safety depends? Sir, I almost forget my customary toleration, when I see around me men who know how the interests and affections of their own homes cluster and entwine themselves with every fibre of their own hearts, and who yet seem to forget that those interests and affections are the offspring of humanity itself, and therefore common to all men, and suppose that it is treason against the country to protest against the oppression of any one of its many and various masses and races.

I warn you, Senators, that you are saving this Union at a fearful cost. This is a Republican Government—the first and only one that has ever been widely and permanently successful. Every man in this country, every man in Christendom, who knows anything of the philosophy of Government, knows that this Republic has been thus successful, only by reason of the stability, strength, and greatness, of the individual States. You are saving the Union of those States, by sapping and undermining the columns on which it rests. You reply to all this, that there is a newly developed necessity for this act of Federal aggrandizement. There is no such new necessity whatever. The Courts of the several States have exercised their concurrent jurisdiction over officers and agents of the United States for a period of sixty years, in cases which involved life, liberty, property, commerce, peace, and war, subject to supervision by the supreme tribunal of the Union, and while individual rights have been maintained, the public peace has been everywhere preserved, and the public safety has never received a wound. During all that time, there has never been an agent or apologist of the Federal power, so apprehensive for the public safety as to propose the measure which is now before us. There has never been a time when such a proposition would have been received with favor. There have indeed been discontents, but they have been local and transient. Such discontents are incident to free society everywhere, and they are inevitable here. It is through the working of such discontents, that free communities, acting by constitutional restraints, and within constitutional Courts, work out the reformation of errors, the correction of abuses, and the advancement of society. All that has happened is a change of the scene of these discontents, resulting from a change in the geographical direction which the action of the Federal Government takes. Heretofore, the murmurs of discontent came from the South. Now, the breeze which bears them sets in from the North. When the wind blew from a Southern quarter, the rights of the citizen were not safe without the interposition of the State tribunals. Now, when it comes from an opposite point of the compass, a Senator from Connecticut [Mr. Toucey] requires Congress to prohibit that interposition, and to arm the Federal Government with new and portentous power.

Mr. President, all this trouble arises out of the Fugitive Slave Law. The transaction in which we are engaged is by no means the first act of a new drama. You began here, in 1793, to extend into the free States, by the exercise of the Federal power, the war of races—the war of the master against the slave. The Fugitive Slave Law which was then passed, became obsolete. Though no great inconvenience was sustained, the pride of the slaveholding power was wounded. In 1850, you paesed a new Fugitive Slave Law, and connected it with measures designed to extend the Territorial jurisdiction of the United States over new regions, without inhibiting Slavery. You were told at that time, as distinctly as you are told to-night, that your new law could not be executed, and would become obsolete for the same reasons that the old law had become obsolete; that the failure of the old law had resulted, not from its want of stringency, but from its too great stringency. You were told then, as distinctly as you are now told, that your new law, with all its terrors, would fail, because, like the old law, and more than the old law, it lacked the elements to command the consent and approval of the consciences, the sympathies, and the judgments, of a Free People.

The new law, however, was adopted, in defiance of our protest that it was an act of Federal usurpation, that it virtually suspended the writ of *habeas corpus*, that it unconstitutionally denied a trial by jury, and that it virtually commanded a judgment of perpetual Slavery to be summarily rendered, upon *ex parte* evidence, which the party accused was not allowed to refute in the due and ordinary course of the common law. You adopted new and oppressive penalties, in answer to all these remonstrances; and, under threats and alarms for the safety of the Union, the Fugitive Slave Bill received the sanction of the Congress of the United States, and became a law. That was the second act. When murmurs and loud complaints arose, and remonstrances came in from every side, you resorted to an old and much-abused expedient. You brought all the great political parties in the United States into a coalition and league to maintain this law, and every word and letter of it, unimpaired, and to perpetuate it forever. All your other laws, although they might be beneficent, and protective of human rights and of human liberty, could be changed, but this one unconstitutional law, so derogatory from the rights of Human Nature, was singled

out from among all the rest, and was to be, like the laws of the Medes and Persians, a decree forever.

This was the third act. And where are you now? It is only five years since the Fugitive Slave Law was passed. You have poured out treasure like water to secure its execution. The public police, the revenue service, the army and the navy, have been at your command, and have all been vigorously employed, to aid in enforcing it. And still the Fugitive Slave Law is not executed, and is becoming obsolete. You demand a further and a more stringent law. The Federal Government must be armed with new powers, subversive of public liberty, to enforce the obnoxious statute. The bill before us supplies those new powers. This is the fourth act. It is easy to be seen that it cannot be the final one.

Sir, I look with sorrow, but with no anxiety, upon these things. They will have their end before long in complete discomfiture. I abide the time, and wait for the event. I perform my duty, the only duty which remains for me now, in protesting against the enactment of this law, and in expressing to you my conviction that you are travelling altogether in the wrong direction. If you wish to secure respect to the Federal authorities, to cultivate harmony between the States, to secure universal peace, and to create new bonds of perpetual union, there is only one way before you. Instead of adding new penalties, employing new agencies, and inspiring new terrors, you must go back to the point where your mistaken policy began, and conform your Federal laws to MAGNA CHARTA, to the CONSTITUTION, and to the RIGHTS OF MAN.

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